

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

CHARLESTON DIVISION

WANDA LEWIS,
DENNIS LEWIS,

MDL 2511

Plaintiffs,

NO. 2:14-cv-19203

v.

DESARROLLO E INVESTIGACION
MEDICA ARAGONESA, S.L., NEOMEDIC
INTERNATIONAL, S.L., NEOMEDIC
INC., SPECIALTIES REMEEX
INTERNATIONAL, S.L.,
ETHICON, INC., JOHNSON & JOHNSON,

Defendants.

JOINT MOTION TO DISMISS DEFENDANT
NEOMEDIC WITH PREJUDICE
AND PLAINTIFFS' MOTION TO TRANSFER MDLS

Plaintiffs in the above-captioned case, along with defendants Desarrollo e Investigación Médica Aragonesa, S.L., Specialties Remeex, International, S.L., Neomedic International, S.L., and Neomedic, Inc.¹ (collectively referred to herein as “Neomedic”) advise the Court that they have compromised and settled all claims between them in this action, including all counterclaims, cross-claims and third party claims. Accordingly, Plaintiffs and Neomedic jointly move the court to dismiss Neomedic as a defendant in this action with prejudice, parties to bear their own costs.²

Other defendants remain in this action, and plaintiffs will continue to pursue this action against them. To that end, an Amended Short Form Complaint will be filed against the remaining

¹ Neomedic Inc. was a corporation organized and existing under the laws of Florida, with its principal place of business at 2655 Le Jeune Road, #810, Coral Gables, Florida, 33134. Defendant Neomedic Inc. was the United States headquarters of Neomedic International, S.L.

² The parties jointly move to dismiss Neomedic with prejudice and terminate it from the Court's docket in this matter; the signature Neomedic on this motion relates only to the joint motion. The motion to transfer is made only by the plaintiffs.

defendants.

Further, plaintiffs move to transfer this action from MDL 2511, In re: Neomedic Pelvic Repair System Products Liability Litigation to: MDL 2327. Plaintiffs herein filed a Complaint or Short Form Complaint in MDL 2511 against Neomedic and others. Within fourteen (14) days of the filing of *this motion* Plaintiffs will file an Amended Short Form Complaint that no longer includes Neomedic as a named defendant.

Because Neomedic is no longer a named defendant in this case, plaintiffs respectfully request that the Court: 1) GRANT the plaintiffs' motion to transfer this action from MDL 2511 to MDL 2327; and 2) direct the Clerk to disassociate this civil action as a member case in MDL 2511 and re-associate it with MDL 2327.

Respectfully:

/s/ Carolyn Purwin

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Attorney for Defendant Neomedic with Respect to the Joint Motion to Dismiss Only

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Attorney for Plaintiffs

Dated: September 15, 2016

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this member case.

/s/ Carolyn Purwin
Carolyn Purwin